IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

Marco A. COCCIA — Group Art Unit: 1644

Application No. 09/856,534 — Examiner: Phillip Gambel

Filing Date: September 4, 2001

Title: TUMOR ANTIGEN-SPECIFIC ANTIBODY-GP39 CHIMERIC PROTEIN CONSTRUCTS

December 2, 2003

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ELECTION IN REPLY TO RESTRICTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the requirement for restriction mailed October 2, 2003, and is timely filed, as it is accompanied by a petition for an extension of time to file in the first month and the requisite fee.

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ELECTION

In response to the requirement for restriction mailed October 2, 2003, the applicants elect Group IV, **with traverse**. Group IV includes claim 24, directed to a method for treating a disease by administering a chimeric protein comprising a heavy chain variable region binding domain and a binding portion of an immunostimulatory ligand. Claim 23 is directed to a method for enhancing a disease antigen-specific antibody response in an individual by administering the same chimeric antibody fusion protein. The method of claim 23 is similar to the method of treatment to which claim 24 is directed, and the search performed by the examiner in examining claim 24 would reasonably be expected to cover the method of claim 23 as well. Since the burden of examining claim 23 together with claim 24 is minimal, the applicant respectfully requests that claim 23 also be examined with Group IV.

In response to the requirement to elect a species of disease, the applicants elect tumor or cancer. The applicant respectfully traverses the requirement that a specific disease be elected. The invention of Group IV is a method for treating a disease comprising administering a chimeric protein comprising a heavy chain variable region binding domain and a binding portion of an immunostimulatory ligand. The mechanism by which the claimed method operates to provide therapeutic benefit is a general one in which the heavy chain variable region binding domain of the chimeric protein binds to a disease-associated antigen, and the immunostimulatory ligand of the chimeric protein stimulates an immune response at the site of the disease-associated antigen. Persons skilled in the art would reasonably expect the claimed method to operate effectively to induce a therapeutic protective immune response in any of a number of different types of diseases in which disease-associated antigens can be identified, including diseases in which the antibodies target antigens on virus-infected cells, pathogenic bacteria, and tumor cells. The general search of the structure and function of the chimeric antibodies of the claimed invention would be expected to identify art describing therapeutic applications against any specific disease antigen. Therefore, there is little extra burden on the examiner to include methods for treating diseases other than tumors and cancer in the examination of the invention. Accordingly, the applicant respectfully requests that the

requirement to limit the elected invention to a method for treating a particular species of disease be withdrawn.

If the examiner identifies any points that he feels may be best resolved through a personal or telephone interview, he is kindly requested to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,

PILLSBURY WINTHROP, LLP

By _____

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